

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11288 of 2014

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Chandra Shekhar Sharma son of Late Ram Charitar Singh resident of village - Surajpur, P.S. Nalanda, district - Nalanda, posted as B.C.G. Technician of District T.B. Centre, Biharsharif, Nalanda, presently deputy as B.C.G. Technician, Additional Primary Health Centre, Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna
2. The Director, Health Services, Bihar, Patna
3. The Deputy Director, Health Services - cum - State Programme Officer (Tuberculosis), Bihar, Agamkuan, Patna - 7
4. The Civil Surgeon - cum - Chief Medical Officer, Nalanda at Biharsharif
5. The District Tuberculosis officer, District Tuberculosis Centre, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Bholu Pd & Mukesh Kr, Advocates

For the Respondent/s : Mr Arvind Kr, AC to GA IX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 06-12-2017

It is submitted by the counsel for the petitioner that he has been denied the benefits of third ACP.

Counsel for the State has filed a counter affidavit. It has been submitted by the State Counsel that the petitioner was initially appointed as Laboratory Assistant on 12.03.1977. On 20th of January 1986, the petitioner was promoted as BCG Technician. Counsel for the State draws the attention of the Court towards Annexure 4 of the writ petition from which it is quite obvious that since 1986, the petitioner could not complete the prescribed period “*Kalavdhi*” for



entitlement to the third ACP as he had got a regular promotion on 20.01.1986 and, therefore, he is not entitled to the grant of third ACP as the benefit of ACP is to remove stagnation and for the employees who have not got their regular promotion. The said position cannot be disputed by the petitioner.

The writ petition, therefore, has to be dismissed which is dismissed accordingly.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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